

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

_____ ELOUISE PEPION COBELL, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:96CV01285 (RCL)
)	(Judge Lamberth)
GALE A. NORTON, Secretary of the Interior, <u>et al.</u> ,)	
)	
Defendants.)	
_____)	

**DEFENDANTS' EMERGENCY MOTION FOR EXPEDITED
BRIEFING AND CONSIDERATION OF DEFENDANTS' MOTION FOR A
PROTECTIVE ORDER REGARDING SENSITIVE IT SECURITY INFORMATION**

Defendants respectfully move for expedited briefing and consideration of Defendants' Motion For A Protective Order Regarding Sensitive IT Security Information, filed on this date ("Defendants' P.O. Motion").¹ Expedited consideration is needed because Plaintiffs have made a motion to this Court for a Temporary Restraining Order, seeking disconnection from the Internet and the immediate shutdown of Interior computer systems. See Plaintiffs' Consolidated Motion for Temporary Restraining Order and Preliminary Injunction (Dkt. No. 2926) (filed Apr. 11, 2005) ("Plaintiffs' Motion"). In order to address fully Plaintiffs' assertions and for the Court to have complete information before making any determination on Plaintiffs' Motion, Defendants must be able to place certain sensitive IT security information in the record. In order to provide this information without creating a larger risk through the disclosure of sensitive IT security

¹ Pursuant to Local Civil Rule 7.1(m), counsel for Defendants called Plaintiffs' counsel, Messrs. Gingold and Mr. Harper, on April 12, 2005, regarding this motion. Neither Mr. Gingold nor Mr. Harper answered Defendants' counsel's call, and Defendants' counsel left voicemails for both. As of the filing of this motion, neither Mr. Gingold nor Mr. Harper had returned Defendants' counsel's call.

information, Defendants require entry of a protective order to preserve such sensitive information from public access. Defendants have made a motion for such a protective order today, and now request that the Court expedite briefing and consideration of Defendants' motion to facilitate prompt consideration of a full record when determining whether to grant Plaintiffs' Motion.

For these reasons, Defendants respectfully request that the Court enter the attached order granting expedited consideration of Defendants' P.O. Motion. Under the proposed order, Plaintiffs would file and serve upon Defendants any opposition to Defendants' P.O. Motion before midnight on Wednesday, April 13, 2005, with any reply from Defendants due before midnight on Thursday, April 14, 2005, with the request that Defendants' P.O. Motion be decided by Friday, April 15.

Dated: April 12, 2005

Respectfully submitted,

PETER D. KEISLER
Assistant Attorney General
STUART E. SCHIFFER
Deputy Assistant Attorney General
J. CHRISTOPHER KOHN
Director

/s/ John Warshawsky

JOHN T. STEMPLEWICZ
Senior Trial Attorney
JOHN WARSHAWSKY
D.C. Bar No. 417170
Trial Attorney
Commercial Litigation Branch
Civil Division
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
Telephone: (202) 307-0010

CERTIFICATE OF SERVICE

I hereby certify that, on April 12, 2005 the foregoing *Defendants' Emergency Motion for Expedited Briefing and Consideration of Defendants' Motion for a Protective Order Regarding Sensitive IT Security Information* was served by Electronic Case Filing, and on the following who is not registered for Electronic Case Filing, by facsimile:

Earl Old Person (*Pro se*)
Blackfeet Tribe
P.O. Box 850
Browning, MT 59417
Fax (406) 338-7530

/s/ Kevin P. Kingston
Kevin P. Kingston

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

ELOUISE PEPION COBELL, et al.,)
)
Plaintiffs,)
)
v.)
)
GALE A. NORTON, Secretary of the Interior, et al.,)
)
Defendants.)
_____)

Case No. 1:96CV01285 (RCL)
(Judge Lamberth)

ORDER

This matter comes before the Court on *Defendants' Emergency Motion for Expedited Briefing And Consideration of Defendants' Motion For A Protective Order Regarding Sensitive IT Security Information* Dkt._____, any responses thereto, and the record in this case. The Court concludes that the Motion is well taken and should be GRANTED.

Therefore, it is hereby

ORDERED that Plaintiffs must file and serve upon Defendants any opposition to Defendants' Motion For A Protective Order Regarding Sensitive IT Security Information no later than midnight local time on April 13, 2005; and it is

FURTHER ORDERED that Defendants must file and serve upon Plaintiffs any reply to Plaintiffs' opposition to Defendants' Motion For A Protective Order Regarding Sensitive IT Security Information no later than midnight local time on April 14, 2005.

SO ORDERED this ____ day of _____, 2005.

UNITED STATES DISTRICT JUDGE

cc:

J. Christopher Kohn, Esq.
John T. Stemplewicz, Esquire
Commercial Litigation Branch
Civil Division
P.O. Box 875
Ben Franklin Station
Washington, D.C. 20044-0875
Fax (202) 514-9163

Dennis M Gingold, Esquire
Mark Kester Brown, Esquire
607 14th Street, N.W., Ninth Floor
Washington, D.C. 20005
Fax (202) 318-2372

Keith M. Harper, Esquire
Richard A. Guest, Esquire
Native American Rights Fund
1712 N Street, N.W.
Washington, D.C. 20036-2976
Fax (202) 822-0068

Elliott Levitas, Esquire
1100 Peachtree Street, Suite 2800
Atlanta, GA 30309-4530